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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,107	08/07/2003	Craig Wilson	380201.91349	9129
26710	7590	11/29/2005		
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			EXAMINER MCDONALD, SHANTESE L	
			ART UNIT 3723	PAPER NUMBER

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/636,107	Applicant(s) WILSON ET AL.	
	Examiner Shantese L. McDonald	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,6-11,14 and 15 is/are rejected.
- 7) ☐ Claim(s) 2-5,12,13 and 16-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by
Jeske et al.

Jeske et al. teaches a hand held wire stripper having a first lever member and a second lever member each with an elongated handle and an offset jaw having a working edge, the first and second lever members being pivotally joined so that the working edges lie adjacent each other when in a closed position, and wherein the working edge of the first lever member includes a first cutting blade section, 18, and the working edge of the second lever member includes a second cutting blade section, 19, aligned with the first cutting blade, wherein the first and second cutting blade sections each define a plurality of serrations, 40, 41, such that the serrations of the first cutting blade section of the first lever member are aligned with the serrations of the second cutting blade section of the second member, and wherein the first and second cutting blade sections, 34,35, each taper from their working edge in at least two oblique angles with respect to the working edges, (fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeske et al. in view of Henderson.

Jeske et al. teaches all the limitations of the claims except for the first and second blade sections each angling from their working edges in at least two oblique angles with respect to the working edge so that each cutting blade section defines two distinct cutting planes. Henderson teaches making a cutting tool having multiple obliquely surfaces, in order to enhance the cutting capabilities. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to provide the blades of Jeske et al. with the multiple oblique cutting sections, as taught by Henderson, in order to enhance the cutting capabilities, and since both teach cutting blade surfaces.

Claims 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeske et al. in view of Gomas.

Jeske et al. teaches all the limitations of the claims except for each elongated handle having a rear grip and forward grip separated by an outward extension, the handles being symmetrical about a center line extending through the hinge point, and the rear grips being concave in the direction of the center line. Gomas teaches an elongated handle having a rear grip and forward grip separated by an outward extension, the handles being symmetrical about a center line extending through the hinge point, and the rear grips being concave in the direction of the center line, (fig, 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of Jeske et al. with the grips as taught by Gomas, since both tools teach handle grips, and to enhance the gripping capabilities of the user.

Allowable Subject Matter

Claims 2-4,12,13 and 16-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 8/31/05 have been fully considered but they are not persuasive. In response to the arguments in reference to claims 1-8, claim one calls for

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a cutting edge with two oblique angles that angle from the cutting edge. The claim does not state in which direction the angles must oblique with respect to the cutting edge, and the Henderson reference teaches forming a cutting edge with an oblique angle to the left and the right of the cutting edge, therefore the Jeske et al. as modified by the Henderson reference teaches the limitations of the claim.

Applicant's arguments with respect to claims 9-21 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantese L. McDonald whose telephone number is (571) 272-4486. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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S.L.M.
November 14, 2005

A handwritten signature in black ink, appearing to read "Joseph J. Hail, III". The signature is fluid and cursive, with the last name "Hail" being more prominent.

Joseph J. Hail, III
Supervisory Patent Examiner
Technology Center 3700